

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MAILED

JUL 10 2007

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte: PRAMOD K. SRIVASTAVA

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Application No. 09/657,722

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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On October 31, 2005, an Order Returning Undocketed Appeal (hereinafter “Order”) was mailed and was electronically returned to the Examiner for compliance with the “Order”. On June 14, 2007, the application was returned to the Board of Patent Appeals and Interferences. A review of the application reveals that it is still not ready for docketing as an appeal. The matters that require attention prior to docketing are identified below.

**SUPPLEMENTAL EXAMINER’S ANSWER**

The Supplemental Examiner’s Answer mailed December 15, 2005, is defective. The appendix heading “Evidence Relied Upon” (section 8, pg. 2) the Examiner indicates “[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal.” In accordance with MPEP § 1207.02, the “Evidence Relied Upon” (section 8) should include:

**(8) Evidence Relied Upon**

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

**REPLY BRIEF**

In response to the Supplemental Examiner's Answer mailed December 15, 2005, appellant filed a Supplemental Reply Brief dated February 10, 2006. The Examiner must consider and acknowledge the Supplemental Reply Brief via written communication.

**INFORMATION DISCLOSURE STATEMENT**

Appellant filed an Information Disclosure Statement (IDS) dated November 20, 2003. There is no indication on the record that the above Information Disclosure Statements were considered by the examiner. A written communication notifying appellant of the Examiner=s consideration is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the examiner to:

(1) issue and mail a PTOL-90:

a) citing the references relied upon in the rejection of the claims on appeal under the "Evidence relied upon" heading;

b) consideration and acknowledgment of the Supplemental Reply Brief, dated

February 10, 2006;

c) consideration and acknowledgment of the Information Disclosure Statement date November 20, 2003 (signature on the associated Form 1449 is required); and

(3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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